

THE HONORABLE CHRIS WICKAM

STATE OF WASHINGTON
THURSTON COUNTY SUPERIOR COURT

LONNIE BURTON, GORDON LEBAR, JAMES) No.: 01-2-02159-9
 BRIGHAM, and MICHAEL HOLMBERG,)
 Individually and on behalf of a class) NOTICE OF PROPOSED CLASS ACTION
 Similarly situated individuals,) SETTLEMENT

Plaintiffs,

Vs.

JOSEPH LEHMAN and JANE DOE LEHMAN,
 Husband and wife, DOUG WADDINGTON, and
 JANE DOE WADDINGTON, husband and wife,
 MAGGIE MILLER-STOUT and JOHN DOE
 MILLER-STOUT, husband and wife, KATHY
 KAATZ and JOHN DOE KAATZ, husband and
 wife, RICHARD MORGAN and JANE DOE
 MORGAN, husband and wife, PATRICIA
 GORMAN and JOHN DOE GORMAN, husband
 and wife, and CAROL PORTER and JOHN DOE
 PORTER, and JOHN DOES AND JANE DOES
 THROUGH 20, and the STATE OF
 WASHINGTON,

Defendants.

Notice is given to all convicted persons who are serving or who have served sentences in
 correctional institutions that are administered by the State of Washington Department of
 Corrections from November 20, 1998 to May 10, 2005.

NOTICE OF PROPOSED
 CLASS ACTION SETTLEMENT

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LADONNA JONES & ASSOCIATES, L.L.C.
 520 East Denny Way
 Seattle, WA 98122
 Telephone: (206) 725-6940
 Facsimile: (206) 725-7018

1. The above-entitled action was commenced on 11/20/01.
2. The representative parties who commenced the action are Lonnie Burton, Gordon LeBar, James Brigham, and Michael Holmberg.
3. Briefly stated, the Plaintiffs alleged that the Defendants violated state law, specifically RCW 72.02.045, by enacting and enforcing Department of Corrections (DOC) Policy 440.000 which required inmates to pay the costs of shipping personal property when they were transferred from a DOC institution. Plaintiffs also alleged that the enforcement of DOC policy 440.000 violated their due process rights, constituted fraud, and that the Defendants engaged in racketeering under both state and federal law. The Defendants deny the Plaintiffs' allegations.
4. Thurston County Superior Court designated this case as a class action on 8/26/05 and certified six subclasses of plaintiffs on 10/18/05.
5. Plaintiffs and the Defendants have reached a proposed settlement, which creates monetary relief. The court preliminarily approved this settlement on 2/15/08. The Defendants have agreed to pay (prior to the deduction of attorneys' fees and costs) a maximum amount of \$937,500.00. If the proposed settlement is given final approval by the court, the settlement terms are as follows:
 - a. \$525,000.00 to pay claims for postage that was actually paid by class members from November 20, 1998 to May 10, 2005. In the event that there are insufficient funds to pay all the approved claims of this subclass, the claims of this subclass shall be reduced on a pro rata basis.
 - b. \$400,000.00 to pay claims for property that was donated or destroyed from November 20, 1998 to May 10, 2005. These funds shall be allocated at \$75.00 per approved claim (one per class member) for lost property. In the event that there are insufficient funds to pay all the approved claims of this subclass, the claims of this subclass shall be reduced on a pro rata basis.
 - c. If there are insufficient funds to pay approved claims for either of the above-subclasses, unclaimed funds in that subclass will be used to pay claims for the subclass with the deficiency.
 - d. Except as provided by federal law, the Defendants will not take any deductions that would be available under state law from class member claims.
 - e. Unclaimed funds would be disbursed in accordance with CR23(f), with 75% returned to the Defendants and 25% to the Legal Foundation of Washington for use in institutional civil legal services.

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f. Class counsel will apply to the Court for an award of attorneys' fees and costs not to exceed \$347,500.00 from the "common fund," \$325,000.00 for federal statutory attorney's fees to be paid by Defendants, and incentive awards to the class representatives of up to \$12,500.00 for serving as class representatives. The Defendants will not oppose class counsel's application. To date, class counsel has not received any payment for their services in conducting this litigation.

g. The Defendants will also pay for class notice and costs of settlement administration.

For a more detailed description of the settlement, visit www.Doc.Wa.Gov to review the Settlement Agreement.

6. If you wish to remain in the settlement class, then you must file a Claim Form to be eligible for monetary benefits from the settlement. **The Claim Form must be postmarked on or before May 28, 2008 and mailed to Burton v. Lehman Claims Administrator, P.O. Box 91036, Seattle, WA 98111-9136.** As a member of the settlement class, if the Court finally approves the settlement, you will be bound by the Final Judgment in this case.

7. If you wish to exclude yourself from the settlement class, then you will not be eligible for any monetary benefit, you will not be eligible to object to the settlement or attorneys' fees, and you will not be bound by the Final Judgment entered by the Court upon final approval of the settlement. **A written statement requesting to be excluded from the settlement must be postmarked on or before May 28, 2008 and mailed to LaDonna Jones, 520 East Denny Way, Seattle, WA 98122 and Douglas Carr, P.O. Box 40116, Olympia, WA 98504.**

8. If you wish to object to the settlement or the attorneys' fees, then you must file a **written statement of your objection with the Thurston County Clerk's Office, 2000 Lakeridge Drive SW, Bldg. 2, Olympia, WA 98502, and mail it to LaDonna Jones, 520 East Denny Way, Seattle, WA 98122 and Douglas Carr, P.O. Box 40116, Olympia, WA 98504 so that it is postmarked on or before May 28, 2008.** If you timely file a written objection, you do not need to appear at the final approval hearing. The Court will consider all timely objections. You may, however, appear at the Final approval hearing, either in person or through an attorney retained and paid by you. If you or your attorney intend to appear at the final approval hearing, you or your attorney must file a **written Notice of Intention to Appear with the Thurston County Clerk's Office, 2000 Lakeridge Drive SW, Bldg. 2, Olympia, WA 98502, and mail it to LaDonna Jones, 520 East Denny Way, Seattle, WA 98122 and Douglas Carr, P.O. Box 40116, Olympia, WA 98504 so that it is postmarked on or before May 28, 2008.** If you do not make an objection in the time and manner provided above, you will be forever barred from making any objection to the settlement.

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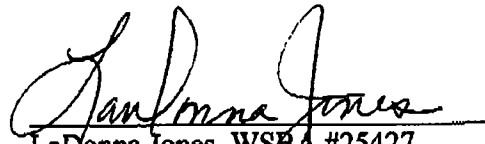
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- 1 9. The Court will hold a Final Approval Hearing on June 13, 2008 in the
2 courtroom of Judge Chris Wickham at 9:00 a.m. to determine whether the
3 proposed settlement agreement should be approved and a final judgment entered
4 in the action consistent with the terms of the settlement. The Final Approval
5 Hearing may be continued or postponed to a later date without further notice to
6 members of the settlement class.
- 7 10. If the Court grants final approval of the settlement, then final judgment will be
8 entered in the action, retaining jurisdiction over the action for the period of 75
9 days to ensure satisfaction of the terms of the settlement.
- 10 11. If you have any questions on any portion of this Notice of Proposed Class
11 Action Settlement, you may call 1-888-665-2831 or you may visit
12 www.Doc.Wa.Gov, where you may obtain a copy of the Claim Form or view
13 the Settlement Agreement. You can also view the Court's file during regular
14 court hours at Thurston County Clerk's Office, 2000 Lakeridge Drive SW,
15 Bldg. 2, Olympia, WA 98502.

11 DO NOT CONTACT THE COURT WITH QUESTIONS ABOUT THIS
12 SETTLEMENT.

13 Dated: 2/29/08
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15 LADONNA JONES & ASSOCIATES

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18 LaDonna Jones, WSBA #25427
19 Attorney for Plaintiffs
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